(b) if so, the steps taken to mobilise developing countries to demand plant and plant products as non-patentable items because they were not invested for patenting and avoid litigation in this regard as well as save our bio- diversity?

THE MINISTER OF STATE IN THE MINISTRY OF COMMERCE AND INDUSTRY (DR. RAMAN): (a) Patents cannot be granted for products existing in nature as they would not meet the criteria of patentability, namely, novelty, inventive step and industrial applicability. However, patents have reportedly been granted on compositions based on certain properties of plants.

Patents are granted under the sovereign prerogative of countries according to their respective patent laws and have territorial effect, that is, they are effective only in the country of grant. However, as and when information is received about patents being obtained on certain items which are not considered patentable and which affect Indian interests, steps are taken to assess whether the grant of such patent can be challenged under the patent laws of the country concerned.

(b) India has proposed in the WTO that it may be advisable to exclude patents on all life forms. If this is not possible, then it is advisable to exclude patents based on traditional/indigenous knowledge and essentially derived products and processes from such knowledge; or at least insist on disclosure of the country of origin of the biological resource and associated knowledge, and obtain consent of the country providing the resources and knowledge, to ensure equitable sharing of benefits. India has the support of many developing countries in the matter.

**Andre's Case in London Court**

5191. SHRI GOPALSINGH G. SOLANKI: Will the Minister of COMMERCE AND INDUSTRY be pleased to state:

(a) whether it is a fact that in the Andre's case STC Solicitors repeatedly requested to depute STC's cited witnesses and also forewarned that in the absence of witnesses, STC was likely to lose the case;

(b) if so, the details of such letters/messages;

(c) whether it is also a fact that in the relevant judgement of the London Court the fact that STC did not send its witnesses found repeated mention;

(d) if so, the extracts thereof; and

(e) whether the STC/Ministry have any reservation in specifically referring these lapses to the CBI for investigation which is investigating some other aspect?

THE MINISTER OF COMMERCE AND INDUSTRY (SHRI MURASOLI MARAN): (a) to (e) Yes, Sir. STC's London Solicitors had advised the Corporation to depute the main witnesses for oral evidence through a number of messages. However, the two main witnesses of STC were listed as accused person in a criminal case registered by CBI on 5.1.96 and were under suspension. In view of the criminal case, there were difficulties in obtaining valid travel documents and credibility of such witnesses was highly doubtful. While written witness statements of these two witnesses and other were produced before the Court in addition to documents of the Corporation, the Court, however, ruled against STC. Relevant extracts from the judgement dated 11.12.96 in High Court of Justice, London relating to the case of M/s. Andre are annexed in the statement. (*see* below)

CBI requisitioned the relevant documents/files pertaining to this case for verification which were duly supplied by STC to CBI including the judgement of the London Court, gone against STC. CBI have intimated STC that the investigations in the matter are almost complete.

STATEMENT

(a) By contract with Mr. Majumdar, Mr. Puippe gaved oral evidence to me.... (page 3, line 12 and 13).

(b) STC have called no oral evidence. I have recounted the gist of Mr. Majumdar's statement. It is supported by the statements from his deputy (Mr. Batra) and Mr. Garg of M/s. Essel International. Likewise,. pursuant to the provisions of Civil Evidence Act. On the other hand Mr. Puippe did give oral evidence.....After seeing him in the witness bod I hold that he is a witness of truth (page 8, line 1 to 10).

(c) Mr. Caldin (for STC) said that it would be dangerous to concentrate on the oral evidence at the expense of the written material, just because it was more immediate. I disagree. If oral evidence is heard and believed it is worth more than evidence in written form which cannot be tested by cross-examination (see Ferdinand Retz Lav 1972 too 11 R. 127 prt Brandon J.) Moreover, I have been given to reasons why Mr. Majumdar could not come to England to give his account of the matters, in the witness box..... (page 8, lines 14 to 23).

(d) There is a statement once again, served persuant to the Civil Evidence Act 1968 from Mr. Majumdar's Secretary at the time saying that the letter was sent by fax that he personally delivered to an employee of Gold Rock who happened to be at STC on 21st May.....I do not regard the proving the authenticity of the document for reasons given by Brandon J in the Ferdinand Retz. Lav. Which I have already mentioned. (para 14, lines 25 to 29).

**Toklai Tea Research Centre, Jorhat**

5192. SHRI DRUPAD BORGOHAIN: Will the Minister of COMMERCE AND INDUSTRY be pleased to state:

(a) whether Government have any plan to improve the Toklai Tea Research Centre at Jorhat;

(b) what steps have been taken to improve the research work in this premier organisation;

(c) whether Government propose to hand it over to ICAR in the near future?

(d) what steps have been taken for improving the conditions of workers; and

(e) whether Government propose to provide help to the small tea producers in Assam with it latest discoveries?

THE MINISTER OF COMMERCE AND INDUSTRY (SHRI MURASOLI MARAN): (a) and (b) Yes Sir. Government has sanctioned five Research Schemes under the 9th Plan for Toklai Tea Research Centre at Jorhat in addition to providing grants-in-aid on regular basis.

(b) No Sir.

(c) Steps taken for improving the conditions of the workers include implementation of the recommendations of Fifth Pay Commission as well as the Recruitment & Promotion Rules as followed by CSIR etc.

(e) Tea Research Association is extending benfits of its research activities to small tea growers of Assam who are its members.

**Industries Set up and Closed Down**

5193. SHRI RAMDAS AGARWAL: Will the Minister of COMMERCE AND INDUSTRY be pleased to state: